

**00/321571**

## PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Pocket No. 910521.CCO

Prior Application: Examiner D. Brittingham; Art Unit 3308

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Box FWC  
The Commissioner of Patents and Trademarks  
Washington, D. C. 20231

## FILE WRAPPER CONTINUING APPLICATION (FWC) UNDER 37 CFR 1.62

Sir:

I. This is a request for a filing under the File Wrapper Continuing application procedure, 37 CFR 1.62 for a Continuation of prior complete application Serial No. 08/052,414, filed April 22, 1993, which is itself a continuing application of Serial No. 07/714,273, filed June 12, 1991, now U.S. Patent 5,258,028 issued November 2, 1993, which is itself a continuation-in-part of application Serial No. 07/282,671, filed December 12, 1988, now abandoned.

(a) The title of the invention as originally filed is:

"TEXTURED MICRO IMPLANTS".

(b) Name of applicant(s) as originally filed and as last amended and current correspondence address of applicant(s) is:

*100*  
Robert A. Ersek  
62 Pascal  
Austin, Texas 78746 *TX**200*  
Robert A. Beisang  
1035 Lake Beach Drive  
Shoreview, Minnesota 55126 *MN**300*  
Arthur A. Beisang, III  
4 Falcon Lane  
St. Paul, Minnesota 55127-6317 *MN*

The above identified application, in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the

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prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

## **II. Inventorship Statement**

This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are) the same.

The inventorship for all the claims in this application are the same.

## **III. Declaration**

None required.

## **IV. Identification of Claims for Further Prosecution**

The fees to be charged are to be based on the number of claims remaining as a result of the attached preliminary amendment.

## **V. Fee Calculation**

### **CLAIMS FOR FEE CALCULATION**

Basic Fee (Small Entity)	\$365.00
Number of independent claims,	38.00
minus 3, times \$38.00	
Total number of claims in excess	
of 20 times \$11.00	0
Multiple dependent claims	
times \$120.00	0
 Total Filing Fee (Small Entity)	 \$403.00

## **VI. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

No Petition is deemed necessary due to the fact that a Preliminary Amendment is attached hereto and filed concurrently herewith.

**VII. Small Entity Statement**

The Small Entity Statement was filed in the parent application Serial No. 08/052,414 which parent application was filed on April 22, 1993 and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

**VIII. Fee Payment Being Made At This Time**

Enclosed is a check in the amount of \$403.00 to cover the filing fee on behalf of a Small Entity.

**IX. Method Of Payment Of Fees**

See Item VIII above.

**X. Authorization To Charge Additional Fees**

The Commissioner is hereby authorized to charge any fees listed in 37 CFR 1.16 and 1.17 which may be required by this Rule 62 filing, or credit any overpayment to Deposit Account No. 08-1265. A duplicate copy of this sheet is enclosed for that purpose.

**XI. Instructions As to Overpayment**

See Item X above.

**XII. Priority - 35 U.S.C. 119**

Not applicable in this instance.

**XIII. Relate Back - 35 U.S.C. 120**

Amend the specification by inserting before the first line, the sentence: -- This is a continuation of copending application Serial No. 08/052,414, filed April 22, 1993, which is, in turn, a continuing application of Serial No. 07/714,273, filed June 12, 1991, now U.S. Patent 5,258,028 issued November 2, 1993, which is a continuation-in-part of application Serial No. 07/282,671, filed December 12, 1988, now abandoned.

See Items XVIII hereinbelow.

**XIV. Assignment**

The prior application is assigned to inventors. The last assignment was recorded with the U. S. Patent and Trademark Office on October 1, 1992 on Reel 6294, Frame(s) 0392-0393.

**XV. Power of Attorney**

The Power of Attorney in the prior application is to Haugen and Nikolai, P.A., a professional association consisting of:

Orrin M. Haugen, Registration No. 17972;  
Thomas J. Nikolai, Registration No. 19283;  
Charles G. Mersereau, Registration No. 26205;  
Frederick W. Niebuhr, Registration No. 27717,  
Robert C. Klinger, Registration No. 34365

of 820 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402; Telephone No. (612) 339-7461.

The Power appears in the original papers in the prior application.

Address all phone calls and future communications to:

Charles G. Mersereau, Registration No. 26205;  
of Haugen and Nikolai, P.A., 820 International Centre, 900  
Second Avenue South, Minneapolis, Minnesota 55402-3325;  
Telephone No. (612) 339-7461.

**XVI. Maintenance of Copendency of Prior Application**

A Petition, fee and response has been filed to extend the term in the pending prior application until October 8, 1994. A copy of the Petition for Extension of Time in the prior application is attached.

**XVII. Conditional Petitions for Extension of Time in Prior Application**

Prior Petition for Extension of Time extends pendency of prior application through October 8, 1994, the filing date of the present application.

**XVIII. Abandonment of Prior Application**

Please abandon the prior application at a time while the prior application is pending and when this application is granted a filing date so as to make this application copending with said

prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in Item XIII above.

Dated: October 10, 1994

*C. G. Mersereau*

C. G. Mersereau  
Registration No. 26205  
HAUGEN AND NIKOLAI, P.A.  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Robert A. Ersek et al : October 10, 1994

For : TEXTURED MICRO IMPLANTS : Docket No. 910521.CCO

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CERTIFICATE OF MAILING VIA EXPRESS MAIL

The Commissioner of Patents and Trademarks

Washington, D. C. 20231

Sir:

I hereby certify that the attached File Wrapper Continuing Application (FWC) under 37 CFR 1.62, a Preliminary Amendment for Application Filed under Rule 1.62 (FWC), a copy of a one-month Extension of Time previously filed in the parent application, and a check for \$403.00 to cover the application filing fee, in connection with the above-identified patent application are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: BOX FWC, The Commissioner of Patents and Trademarks, Washington, D. C. 20231, under Express Mail Post Office to Addressee Label No. TB444229654US.

Respectfully submitted,

HAUGEN AND NIKOLAI, P.A.

*Christine M. Zumwalde*

Christine M. Zumwalde  
Secretary to C. G. Mersereau  
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